



HYSBYSIAD YNGHYLCH GWELLIANNAU NOTICE OF AMENDMENTS

Cyflwynwyd ar 22 Medi 2009
Tabled on 22 September 2009

Mesur Arfaethedig ynghylch Plant a Theuluoedd (Cymru)
Proposed Children and Families (Wales) Measure

Brian Gibbons

1

Long title, page 6, line 2, after 'poverty;' insert 'to provide a duty for local authorities to secure sufficient play opportunities for children; to make provision about arrangements for participation of children in local authority decisions that might affect them;'

Teitl hir, tudalen 6, llinell 2, ar ôl 'todi plant;' ychwanegwch 'i ddarparu dyletswydd ar awdurdodau lleol i sicrhau cyfleoedd chwarae digonol i blant; i wneud darpariaeth ynghylch trefniadau i blant gymryd rhan ym mhenderfyniadau awdurdod lleol a allai effeithio arnynt;'

Brian Gibbons

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Long title, page 6, line 5, leave out 'to provide a duty for local authorities to secure sufficient play opportunities for children; to make provision about arrangements for participation of children in local authority decisions that affect them;' and insert 'to make provision about assessing the needs of children where the family members with whom they live need community care services or have health conditions that affect the needs of the children;'

Teitl hir, tudalen 6, llinell 5, gadewch allan 'i ddarparu dyletswydd ar awdurdodau lleol i sicrhau cyfleoedd chwarae digonol i blant; i wneud darpariaeth ynghylch trefniadau i blant gymryd rhan ym mhenderfyniadau awdurdod lleol sy'n effeithio arnynt' a rhowch yn ei le 'i wneud darpariaeth ynghylch asesu anghenion plant os oes angen gwasanaethau gofal cymunedol ar aelodau o'r teulu y maent yn byw gyda hwy neu os oes ganddynt gyflyrau iechyd sy'n effeithio ar anghenion y plant;'.

Brian Gibbons

3

Section 3, page 8, line 31, leave out 'such persons as they consider appropriate.' and insert –

- (a) the Secretary of State, and
- (b) such other persons as they consider appropriate.'

Adran 3, tudalen 8, llinell 32, gadewch allan ' â'r cyfryw bersonau ag y maent o'r farn eu bod yn briodol.' a rhowch yn ei le ' â'r canlynol –

- (a) yr Ysgrifennydd Gwladol, a
- (b) y personau eraill hynny y maent o'r farn eu bod yn briodol.'

Brian Gibbons

4

Section 3, page 8, after line 31, insert –

- '() The provisions of subsection (2)(a) are not to be interpreted as conferring a power or duty on the Secretary of State.'

Adran 3, tudalen 8, ar ôl llinell 32 ychwanegwch –

- '() Nid yw darpariaethau is-adran (2)(a) i'w dehongli fel pe baent yn rhoi pŵer i'r Ysgrifennydd Gwladol neu'n gosod dyletswydd arno.'

Brian Gibbons

5

Section 12, page 13, leave out line 9 and insert –

- '(h) the Public Health Wales National Health Service Trust;
- (i) the National Museum of Wales;
- (j) the Arts Council of Wales;
- (k) the National Library of Wales;
- (l) the Sports Council for Wales.'

Adran 12, tudalen 13, gadewch allan linell 10 a rhowch yn ei lle –

- '(h) Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru;
- (i) Amgueddfa Genedlaethol Cymru;
- (j) Cyngor Celfyddydau Cymru;
- (k) Llyfrgell Genedlaethol Cymru;
- (l) Cyngor Chwaraeon Cymru.'

- Brian Gibbons** 6
Move Section 12 and insert after Section 5.
Symudwch Adran 12 a'i rhoi ar ôl Adran 5.
- Brian Gibbons** 7
Section 60, page 37, leave out line 26.
Adran 60, tudalen 37, gadewch allan linell 26.
- Brian Gibbons** 8
Section 61, page 37, line 34, after 'which', insert 'might'.
Adran 61, tudalen 37, llinell 34, gadewch allan 'sy'n' ac yn ei le rhowch 'a allai'.
- Brian Gibbons** 9
Section 61, page 38, line 4, leave out subsection (3).
Adran 61, tudalen 38, llinell 4, gadewch allan is-adran (3).
- Brian Gibbons** 10
Move Section 60 and insert after Section 9.
Symudwch Adran 60 a'i rhoi ar ôl Adran 9.
- Brian Gibbons** 11
Move Section 61 and insert after Section 9.
Symudwch Adran 61 a'i rhoi ar ôl Adran 9.
- Brian Gibbons** 12
To insert a new Section—
'Inspection
- () Inspection**
- (1) The Welsh Ministers may by regulations make provision—
- (a) for the inspection of the exercise by a local authority of functions under sections 6 to 9, section 60 and section 61;
 - (b) for the publication of reports of the inspections in such manner as the Welsh Ministers consider appropriate.
- (2) The regulations may provide for the inspections to be organised by—
- (a) the Welsh Ministers, or

- (b) Her Majesty's Chief Inspector of Education and Training in Wales, or any other person, under arrangements made with the Welsh Ministers.
- (3) The regulations may provide that for the purposes of the law of defamation any report published under the regulations is privileged unless the publication is shown to have been made with malice.
- (4) Regulations made under subsection (3) do not limit any privilege subsisting apart from provision in such regulations.'

I ychwanegu Adran newydd –

'Arolygu

(i) Arolygu

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu –
 - (a) ar gyfer arolygu arfer swyddogaethau gan awdurdod lleol o dan adrannau 6 i 9, adran 60 ac adran 61.
 - (b) ar gyfer cyhoeddi adroddiadau o'r arolygiadau yn y fath fodd y mae Gweinidogion Cymru yn ystyried ei fod yn briodol.
- (2) Caiff y rheoliadau ddarparu bod yr arolygiadau yn cael eu trefnu –
 - (a) gan Weinidogion Cymru, neu
 - (b) gan Brif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, neu gan unrhyw berson arall, o dan drefniadau a wnaed gyda Gweinidogion Cymru.
- (3) Caiff y rheoliadau ddarparu at ddibenion cyfraith difenwi bod unrhyw adroddiad a gyhoeddir o dan y rheoliadau yn freintiedig oni ddangosir bod y cyhoeddiad wedi'i wneud yn faleisus.
- (4) Nid yw rheoliadau a wneir o dan is-adran (3) yn cyfyngu ar unrhyw fraint sy'n bodoli ar wahân i ddarpariaeth yn y cyfryw reoliadau.'

Brian Gibbons

13

To insert a new Section –

'(i) Powers of entry

- (1) Any person authorised by the Welsh Ministers may, for the purposes of regulations made under section [], at any reasonable time enter –
 - (a) any premises owned or controlled by a local authority;
 - (b) any premises falling within subsection (3).
- (2) But subsection (1) does not authorise entry to premises used wholly or mainly as a private dwelling.
- (3) The premises referred to in subsection (1)(b) are premises –
 - (a) which are used, or proposed to be used, by any person in connection with services or facilities secured by a local authority;

- (b) or which the person authorised under subsection (1) reasonably believes to be so used, or proposed to be so used.
- (4) Authorisation under subsection (1) –
 - (a) may be given for a particular occasion or period;
 - (b) may be given subject to conditions.
- (5) A person exercising any power conferred by subsection (1) or section [] must, if so required, produce some duly authenticated document showing that person's authority to do so.'

I ychwanegu Adran newydd –

'() Pwerau mynediad

- (1) Caiff unrhyw berson a awdurdodwyd gan Weinidogion Cymru, at ddibenion rheoliadau a wneir o dan adran [], ar unrhyw adeg resymol fynd i mewn –
 - (a) i unrhyw fangre sydd ym mherchenogaeth neu o dan reolaeth awdurdod lleol;
 - (b) i unrhyw fangre sy'n dod o fewn is-adran (3).
- (2) Ond nid yw is-adran (1) yn awdurdodi mynediad i mewn i fangre a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat.
- (3) Y mangreoedd y cyfeirir atynt yn is-adran (1)(b) yw mangreoedd –
 - (a) a ddefnyddir, neu yr arfaethir eu defnyddio, gan unrhyw berson mewn cysylltiad â gwasanaethau neu gyfleusterau a sicrhawyd gan awdurdod lleol;
 - (b) neu bod y person a awdurdodwyd o dan is-adran (1) yn rhesymol yn credu eu bod yn cael eu defnyddio felly, neu yr arfaethir eu defnyddio felly.
- (4) Caniateir rhoi awdurdodiad o dan is-adran (1) –
 - (a) ar gyfer achlysur neu gyfnod penodol;
 - (b) yn ddarostyngedig i amodau.
- (5) Rhaid i berson sy'n arfer unrhyw bŵer a roddir gan is-adran (1) neu adran [], os gofynnir iddo wneud hynny, ddangos dogfen a ddilyswyd yn briodol sy'n dangos awdurdod y person hwnnw i wneud hynny.'

Brian Gibbons

14

To insert a new Section –

'() Powers of inspection

- (1) A person entering premises under section [] may (subject to any conditions imposed under section [](4)(b)) –
 - (a) inspect the premises;
 - (b) inspect, take copies of and remove from the premises any documents or records relating to the discharge by the local authority of its functions under sections 6 to 9, section 60 or section 61.

- (c) inspect any other item and remove it from the premises;
 - (d) interview in private any person working at the premises.
- (2) The power in subsection (1)(b) includes –
- (a) power to require any person holding or accountable for documents or records kept on the premises to produce them, and
 - (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (3) In connection with inspecting any such documents, a person authorised for the purposes of section [] (subject to any conditions imposed under section [(4)(b)) –
- (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he or she considers is or has been in use in connection with the documents, and
 - (b) may require a person within subsection (4) to afford him or her such reasonable assistance as may be required for that purpose.
- (4) A person is within this subsection if he or she is –
- (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (5) A person entering premises under section [] (subject to any conditions imposed under section [(4)(b)) may require any person to afford him or her such facilities and assistance with respect to matters within the person's control as are necessary to enable him or her to exercise powers under section [] or this section.
- (6) Any person who without reasonable excuse –
- (a) obstructs a person exercising any power under section [](1) or this section, or
 - (b) fails to comply with any requirement imposed under this section,
- is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.'.

I ychwanegu Adran newydd –

'() Pwerau arolygu

- (1) Caiff person sy'n mynd i mewn i fangre o dan adran [] (yn ddarostyngedig i unrhyw amodau a osodwyd o dan adran [(4)(b)) –
- (a) arolygu'r fangre;
 - (b) arolygu unrhyw ddogfennau neu gofnodion, cymryd copïau ohonynt neu eu symud oddi yno a hwythau'n ymwneud ag awdurdod lleol yn cyflawni ei swyddogaethau o dan adrannau 6 i 9, adran 60 neu adran 61.
 - (c) arolygu unrhyw eitem arall a'i symud o'r fangre;
 - (d) cyf-weld yn breifat ag unrhyw berson sy'n gweithio yn y fangre.

- (2) Mae'r pŵer yn is-adran (1)(b) yn cynnwys –
- (a) pŵer i'w gwneud yn ofynnol i unrhyw berson sy'n dal dogfennau neu gofnodion neu sy'n atebol amdanynt yn y fangre i'w dangos, a
 - (b) o ran cofnodion a gedwir drwy gyfrwng cyfrifiadur, pŵer i'w gwneud yn ofynnol i'r cofnodion gael eu dangos ar ffurf sy'n eu gwneud yn ddarllenadwy ac y gellir eu cymryd oddi yno.
- (3) O ran arolygu unrhyw ddogfennau o'r fath, caiff person a awdurdodwyd at ddibenion adran [] (yn ddarostyngedig i unrhyw amodau a osodwyd o dan adran [(4)(b)) –
- (a) cael mynediad i unrhyw gyfrifiadur a chyfarpar cysylltiedig neu ddeunyddiau ac arolygu a gwirio eu gweithrediad y mae'r person hwnnw'n ystyried sy'n cael eu defnyddio neu wedi cael eu defnyddio mewn cysylltiad â'r dogfennau, a
 - (b) ei gwneud yn ofynnol bod person sy'n dod o fewn is-adran (4) yn rhoi iddo'r cyfryw gymorth rhesymol ag y bo angen amdano at y diben hwnnw.
- (4) Mae person yn dod o fewn yr is-adran hon –
- (a) os yw'n berson y mae'r cyfrifiadur yn cael ei ddefnyddio ganddo neu wedi cael ei ddefnyddio ganddo neu ar ei ran, neu
 - (b) os yw'n berson sydd â gofal y cyfrifiadur, y cyfarpar neu'r deunydd neu fel arall yn ymwneud â'u gweithredu.
- (5) Caiff person sy'n mynd i mewn i fangre o dan adran [] (yn ddarostyngedig i unrhyw amodau a osodir o dan adran [(4)(b)) ei gwneud yn ofynnol i unrhyw berson roi iddo'r cyfryw gyfleusterau a chymorth ynglŷn â materion sydd o dan reolaeth y person ag a fo'n angenrheidiol i'w alluogi i arfer pwerau o dan adran [] neu o dan yr adran hon.
- (6) Mae unrhyw berson sydd heb esgus rhesymol –
- (a) yn rhwystro person rhag arfer unrhyw bŵer o dan adran [](1) neu o dan yr adran hon, neu
 - (b) yn methu â chydymffurfio ag unrhyw ofyniad a osodir o dan yr adran hon, yn euog o dramgwydd a bydd yn atebol ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol.'

Brian Gibbons

15

To insert a new Section –

'() Power to require information

- (1) The Welsh Ministers may at any time require any person specified in subsection (3) to provide them with any information, documents, records (including personal records) or other items –
- (a) which relates or relate to the exercise by a local authority of its functions under sections 6 to 9, section 60 or section 61, and

- (b) which the Welsh Ministers –
 - (i) consider necessary or expedient to have for the purpose of any of their functions relating to the exercise by a local authority of its functions under sections 6 to 9, section 60 or section 61;
 - (ii) consider necessary or expedient for any person exercising functions under sections [] to [] to have for the purpose of those functions.
- (2) The Welsh Ministers may share anything obtained under subsection (1) with any person exercising functions under sections [] to [].
- (3) The persons referred to in subsection (1) are –
 - (a) a local authority;
 - (b) any person with whom the authority have entered into arrangements –
 - (i) in the exercise of any of its functions under section 6 to 9, section 60 or section 61, or
 - (ii) in connection with any related activity.
- (4) The power in subsection (1) includes, in relation to information, documents or records kept by means of a computer, power to require provision of them in a legible form which can be taken away.
- (5) Any person who without reasonable excuse fails to comply with any requirement imposed by virtue of this section is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.’.

I ychwanegu Adran newydd –

‘() Pŵer i’w gwneud yn ofynnol bod gwybodaeth yn cael ei rhoi

- (1) Caiff Gweinidogion Cymru ar unrhyw adeg ei gwneud yn ofynnol i unrhyw berson a bennir yn is-adran (3) roi iddynt unrhyw wybodaeth, dogfennau, cofnodion (gan gynnwys cofnodion personol) neu eitemau eraill –
 - (a) sy'n ymwneud ag arfer ei swyddogaethau gan awdurdod lleol o dan adrannau 6 i 9, adran 60 neu adran 61, a
 - (b) y mae Gweinidogion Cymru –
 - (i) yn ystyried eu bod yn angenrheidiol neu'n hwylus eu cael at ddibenion unrhyw un neu unrhyw rai o'u swyddogaethau sy'n ymwneud ag awdurdod lleol yn arfer ei swyddogaethau o dan adrannau 6 i 9, adran 60 neu adran 61;
 - (ii) yn ystyried eu bod yn angenrheidiol neu'n hwylus i unrhyw berson sy'n arfer swyddogaethau o dan adrannau [] i [] eu cael at ddibenion y swyddogaethau hynny.
- (2) Caiff Gweinidogion Cymru rannu unrhyw beth a gafwyd o dan is-adran (1) gydag unrhyw berson sy'n arfer swyddogaethau o dan adrannau [] i [].
- (3) Dyma'r personau y cyfeirir atynt yn is-adran (1) –
 - (a) awdurdod lleol;

- (b) unrhyw berson y mae'r awdurdod wedi ymrwymo mewn trefniadau gydag ef –
- (i) wrth iddo arfer unrhyw un neu unrhyw rai o'i swyddogaethau o dan adran 6 i 9, adran 60 neu adran 61, neu
 - (ii) ynglŷn ag unrhyw weithgaredd cysylltiedig.
- (4) Mae'r pŵer yn is-adran (1) yn cynnwys, mewn perthynas â gwybodaeth, ddogfennau neu gofnodion a gedwir drwy gyfrwng cyfrifiadur, pŵer i'w gwneud yn ofynnol eu darparu mewn ffurf ddarllenadwy y gellir ei cymryd oddi yno.
- (5) Bydd unrhyw berson sydd, heb esgus rhesymol, yn methu â chydymffurfio ag unrhyw ofyniad a osodir yn rhinwedd yr adran hon yn euog o dramgwydd ac yn agored ar gollfarn ddiannod i ddirwy heb fod yn uwch na lefel 4 ar y raddfa safonol.'.

Brian Gibbons

16

Section 10, page 12, after line 21 insert –

- '() In exercising its functions under sections 60 and 61 a local authority must have regard to any guidance given from time to time by the Welsh Ministers.'

Adran 10, tudalen 12, ar ôl llinell 20 ychwanegwch –

- '() Wrth iddo arfer ei swyddogaethau o dan adrannau 60 a 61 rhaid i awdurdod lleol roi sylw i unrhyw ganllawiau a roddir o bryd i'w gilydd gan Weinidogion Cymru.'

Brian Gibbons

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Section 11, page 12, line 24, leave out 'or 9' and insert '9, 60 or 61'.

Adran 11, tudalen 12, llinell 24, gadewch allan 'neu 9' a rhowch yn ei le '9, 60 neu 61'.

Brian Gibbons

18

Section 24, page 17, line 34, leave out 'children under the age of eight' and insert 'the children concerned'.

Adran 24, tudalen 17, llinell 32, gadewch allan 'blant o dan wyth oed' a rhowch yn ei le 'y plant o dan sylw'.

Brian Gibbons

19

Section 29, page 20, line 33, leave out 'or may be exposed to the risk of harm' and insert 'suffer or is likely to suffer significant harm'.

Adran 29, tudalen 20, llinell 34, gadewch allan 'yn agored i risg o gael niwed neu fe allai fod yn agored i risg o gael niwed' a rhowch yn ei le 'yn dioddef neu'n debygol o ddiodeff niwed arwyddocaol'.

Brian Gibbons 20

Section 30, page 21, line 30, leave out '(2)' and insert '(3)'.

Adran 30, tudalen 21, llinell 30, gadewch allan '(2)' a rhowch yn ei le '(3)'.

Brian Gibbons 21

Section 30, page 21, line 33, leave out '(2)' and insert '(3)'.

Adran 30, tudalen 21, llinell 33, gadewch allan '(2)' a rhowch yn ei le '(3)'.

Brian Gibbons 22

Section 33, page 24, line 22, after 'care', insert 'or child minding'.

Adran 33, tudalen 24, llinell 22, ar ôl 'dydd', ychwanegwch 'neu wasanaeth gwarchod plant'.

Brian Gibbons 23

Section 34, page 25, line 15, leave out subsection (3) and insert –

- '() The regulations may provide that for the purposes of the law of defamation any report published under the regulations is privileged unless the publication is shown to have been made with malice.
- () Regulations made under subsection (3) do not limit any privilege subsisting apart from provision in such regulations.'

Adran 34, tudalen 25, llinell 17, gadewch allan is-adran (3) a rhowch yn ei lle –

- '() Caiff y rheoliadau ddarparu at ddibenion cyfraith difenwi bod unrhyw adroddiad a gyhoeddir o dan y rheoliadau yn freintiedig oni ddangosir bod y cyhoeddiad wedi'i wneud yn faleisus.
- () Nid yw rheoliadau a wneir o dan is-adran (3) yn cyfyngu ar unrhyw ffraint sy'n bodoli ar wahân i ddarpariaeth yn y cyfryw reoliadau.'

Brian Gibbons 24

Section 35, page 25, after line 28 insert –

- '() A person exercising any power conferred by this section or section [] must, if so required, produce some duly authenticated document showing that person's authority to do so.'

Adran 35, tudalen 25, ar ôl llinell 30 ychwanegwch –

- '() Rhaid i berson sy'n arfer unrhyw bŵer a roddir gan yr adran hon neu adran [], os gofynnir iddo wneud hynny, ddangos dogfen a ddilyswyd yn briodol sy'n dangos awdurdod y person hwnnw i wneud hynny.'

Brian Gibbons

25

Section 35, page 25, line 29, leave out subsections (4) to (10).

Adran 35, tudalen 25, llinell 31, gadewch allan is-adrannau (4) i (10).

Brian Gibbons

26

To insert a new Section—

(1) Powers of inspection

- (1) A person entering premises under section [] may (subject to any conditions imposed under section [](3)(b))—
 - (a) inspect the premises;
 - (b) inspect, and take copies of—
 - (i) any records kept by the person providing the child minding or day care, and
 - (ii) any other documents containing information relating to its provision;
 - (c) seize and remove any document or other material or thing found there which the authorised person has reasonable grounds to believe may be evidence of a failure to comply with any condition or requirement imposed by or under this Part;
 - (d) take measurements and photographs or make recordings;
 - (e) inspect any children being looked after there, and the arrangements made for their welfare;
 - (f) interview in private the person providing the child minding or day care;
 - (g) interview in private any person looking after children, or living or working, on the premises who consents to be interviewed.
- (2) The power in subsection (1)(b) includes—
 - (a) power to require any person holding or accountable for documents or records kept on the premises to produce them, and
 - (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (3) In connection with inspecting any such documents, a person authorised for the purposes of section [] (subject to any conditions imposed under section [](3)(b))—
 - (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he or she considers is or has been in use in connection with the documents, and
 - (b) may require a person within subsection (4) to afford him or her such reasonable assistance as may be required for that purpose.

- (4) A person is within this subsection if he or she is –
 - (a) the person by whom or on whose behalf the computer is or has been used, or
 - (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (5) A person entering premises under section [] (subject to any conditions imposed under section [](3)(b)) may require any person to afford him or her such facilities and assistance with respect to matters within the person's control as are necessary to enable him or her to exercise powers under section 41 or this section.
- (6) Any person who without reasonable excuse –
 - (a) obstructs a person exercising any power under section [] or this section, or
 - (b) fails to comply with any requirement imposed under this section,is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.'.

I ychwanegu Adran newydd –

(1) Pwerau arolygu

- (1) Caiff person sy'n mynd i mewn i fangre o dan adran [] (yn ddarostyngedig i unrhyw amodau a osodir o dan adran [](3)(b)) –
 - (a) arolygu'r fangre;
 - (b) arolygu, a chymryd copïau o'r canlynol –
 - (i) unrhyw gofnodion a gedwir gan y person sy'n darparu'r gwasanaeth gwarchod plant neu'r gofal dydd, a
 - (ii) unrhyw ddogfennau eraill sy'n cynnwys gwybodaeth ynghylch darparu'r gwasanaeth;
 - (c) ymafael yn unrhyw ddogfen neu ddeunydd arall neu beth arall a geir yno a'u symud oddi yno y mae gan y person a awdurdodwyd sail resymol dros gredu y gall fod yn dystiolaeth o fethiant i gydymffurfio ag unrhyw amod neu ofyniad a osodwyd gan neu o dan y Rhan hon;
 - (d) cymryd mesuriadau neu dynnu lluniau neu wneud recordiadau;
 - (e) arolygu unrhyw blant sy'n derbyn gofal yno, a'r trefniadau a wnaed er eu lles;
 - (f) cyfweld yn breifat â'r person sy'n darparu'r gwasanaeth gwarchod plant neu'r gofal dydd;
 - (g) cyfweld yn breifat ag unrhyw berson sy'n gofalu am blant, neu'n byw neu'n gweithio, yn y fangre sy'n cydsynio i gael ei gyfweld.
- (2) Mae'r pŵer yn is-adran (1)(b) yn cynnwys –
 - (a) pŵer i'w gwneud yn ofynnol i unrhyw berson sy'n dal dogfennau neu gofnodion a gedwir yn y fangre neu sy'n atebol amdanynt i'w dangos, a
 - (b) o ran cofnodion a gedwir drwy gyfrwng cyfrifiadur, pŵer i'w gwneud yn ofynnol i'r cofnodion gael eu dangos ar ffurf sy'n eu gwneud yn ddarllenadwy ac y gellir eu cymryd oddi yno.

- (3) Mewn cysylltiad ag arolygu unrhyw ddogfennau o'r fath, caiff person a awdurdodwyd at ddibenion adran [] (yn ddarostyngedig i unrhyw amodau a osodir o dan adran [](3)(b)) –
 - (a) cael mynediad i unrhyw gyfrifiadur a chyfarpar neu ddeunyddiau cysylltiedig ac arolygu a gwirio eu gweithrediad y mae'r person hwnnw'n ystyried sy'n cael eu defnyddio neu wedi cael eu defnyddio mewn cysylltiad â'r dogfennau, a
 - (b) ei gwneud yn ofynnol bod person sy'n dod o fewn is-adran (4) yn rhoi iddo'r cyfryw gymorth rhesymol ag y bo angen amdano at y diben hwnnw.
- (4) Mae person yn dod o fewn yr is-adran hon –
 - (a) os yw'n berson y mae'r cyfrifiadur yn cael ei ddefnyddio ganddo neu wedi cael ei ddefnyddio ganddo neu ar ei ran, neu
 - (b) os yw'n berson sydd â gofal y cyfrifiadur, y cyfarpar neu'r deunydd neu fel arall yn ymwneud â'u gweithredu.
- (5) Caiff person sy'n mynd i mewn i fangre o dan adran [] (yn ddarostyngedig i unrhyw amodau a osodir o dan adran [](3)(b)) ei gwneud yn ofynnol bod unrhyw berson yn rhoi iddo'r cyfryw gyfleusterau a chymorth ynglyn â materion o fewn rheolaeth y person ag sy'n angenrheidiol i'w alluogi i arfer pwerau o dan adran 41 neu o dan yr adran hon.
- (6) Mae unrhyw berson sydd heb esgus rhesymol –
 - (a) yn rhwystro person sy'n arfer unrhyw bŵer o dan adran [] neu o dan yr adran hon, neu
 - (b) yn methu â chydymffurfio ag unrhyw ofyniad a osodir o dan yr adran hon, yn euog o dramgwydd a bydd yn atebol ar gollfarn ddiannod i ddirwy nad yw'n uwch na lefel 4 ar y raddfa safonol.'.

Brian Gibbons

27

To insert a new Section –

'() Power of constable to assist in exercising powers of entry

- (1) A person authorised to exercise a power of entry under section 35 may apply to a court for a warrant under this section.
- (2) If it appears to the court that the authorised person –
 - (a) has attempted to exercise a power conferred on that person under section 35 or [] but has been prevented from doing so, or
 - (b) is likely to be prevented from exercising any such power,the court may issue a warrant authorising any constable to assist the authorised person in exercising the power, using reasonable force if necessary.
- (3) A warrant issued under this section must be addressed to, and executed by, a constable.

- (4) Schedule 11 to the Children Act 1989 (c 41) (jurisdiction of courts) applies in relation to proceedings under this section as if they were proceedings under that Act.
- (5) In this section, “court” means the High Court, a county court or a magistrates’ court; but this is subject to any provision which may be made (by virtue of subsection (4)) by or under Schedule 11 to the Children Act 1989.’.

I ychwanegu Adran newydd –

(I) Pŵer cwnstabl i gynorthwyo wrth arfer pwerau mynediad

- (1) Caiff person a awdurdodwyd i arfer pŵer mynediad o dan adran 35 wneud cais i lys am warant o dan yr adran hon.
- (2) Os yw'n ymddangos i'r llys bod y person awdurdodedig –
 - (a) wedi ceisio arfer pŵer a roddwyd i'r person hwnnw o dan adran 35 neu [] ond ei fod wedi cael ei rwystro rhag gwneud hynny, neu
 - (b) yn debygol o gael ei rwystro rhag arfer unrhyw bŵer o'r fath,caiff y llys ddyroddi gwarant sy'n awdurdodi unrhyw gwnstabl i gynorthwyo'r person awdurdodedig i arfer y pŵer, gan ddefnyddio grym rhesymol os bydd angen.
- (3) Rhaid i warant a ddyroddwyd o dan yr adran hon gael ei chyfeirio at gwnstabl a chael ei gweithredu ganddo.
- (4) Mae Atodlen 11 i Ddeddf Plant 1989 (p 41) (awdurdodaeth y llysoedd) yn gymwys o ran achosion cyfreithiol o dan yr adran hon fel pe baent yn achosion cyfreithiol o dan y Ddeddf honno.
- (5) Yn yr adran hon, ystyr “llys” yw'r Uchel Lys, llys sirol neu lys ynadon; ond mae hyn yn ddarostyngedig i unrhyw ddarpariaeth a ellid ei gwneud (yn rhinwedd is-adran (4)) gan neu o dan Atodlen 11 i Ddeddf Plant 1989.’.

Brian Gibbons

28

Section 47, page 31, line 2, leave out ‘(4) or (6)’ and insert ‘(5) or (7)’.

Adran 47, tudalen 31, llinell 2, gadewch allan ‘(4) neu (6)’ a rhowch yn ei le ‘(5) neu (7)’.

Brian Gibbons

29

Section 58, page 36, after line 22, column 1, insert ‘Section 59’.

Adran 58, tudalen 36, ar ôl llinell 23, colofn 1, ychwanegwch ‘Section 59’.

Brian Gibbons

30

Section 58, page 36, after line 22, column 2, insert ‘Family social work standards officers.’.

Adran 58, tudalen 36, ar ôl llinell 23, colofn 2, ychwanegwch ‘Family social work standards officers.’.

Brian Gibbons 31

Section 58, page 36, after line 22, column 1, insert 'Section []'.

Adran 58, tudalen 36, ar ôl llinell 23, colofn 1, ychwanegwch 'Section []'.

Brian Gibbons 32

Section 58, page 36, after line 22, column 2, insert 'Assessing the needs of children arising from community care needs of their family members.'

Adran 58, tudalen 36, ar ôl llinell 23, colofn 2, ychwanegwch 'Assessing the needs of children arising from community care needs of their family members.'

Brian Gibbons 33

Move Section 58 and insert after Section 61.

Symudwch Adran 58 a'i rhoi ar ôl Adran 61.

Brian Gibbons 34

To insert a new Section –

'Children's needs arising from community care and health needs of their family members

() Children's needs arising from community care needs of family members

- (1) This section applies to a child where it appears to a local authority that a member of the child's family ("the family member") –
 - (a) is a person for whom it may provide or arrange for the provision of community care services, and
 - (b) may be in need of any such services.
- (2) A local authority must consider whether the child appears to the authority to be a child in need as a result of the needs of the family member.
- (3) A local authority must take account of the results of its consideration under subsection (2) in deciding –
 - (a) whether or not to assess the needs of the child for the purposes of section 17 of the Children Act 1989 (c.41) (provision of services for children in need), and
 - (b) what, if any, services to provide under that section for the child or the child's family.
- (4) A local authority must take account of the results of its consideration under subsection (2) in making any decision in respect of the family member under section 47 (1)(b) of the National Health Service and Community Care Act 1990 (c.19) (assessment of needs for community care services).
- (5) In this section and in section [] –

"child in need" (*"plentyyn mewn angen"*) means a child taken to be in need for the purposes of Part 3 of the Children Act 1989;

“community care services” (“*gwasanaethau gofal cymunedol*”) has the same meaning as in section 46 of the National Health Service and Community Care Act 1990;

“family” (“*teulu*”), in relation to a child, includes any person who has parental responsibility (within the meaning of section 3 of the Children Act 1989) for the child and any other person with whom the child has been living.’.

I ychwanegu Adran newydd –

‘Anghenion plant sy'n deillio o anghenion gofal cymunedol ac anghenion iechyd aelodau o'u teulu

(i) Anghenion plant sy'n deillio o anghenion gofal cymunedol aelodau o'r teulu

- (1) Mae'r adran hon yn gymwys i blentyn os yw'n ymddangos i awdurdod lleol bod aelod o deulu'r plentyn (“yr aelod o'r teulu”) –
 - (a) yn berson y gallai fod yn darparu neu'n trefnu ar ei gyfer ddarpariaeth o wasanaethau gofal cymunedol, a
 - (b) y gallai fod arno angen unrhyw wasanaethau o'r fath.
- (2) Rhaid i awdurdod lleol ystyried a yw'n ymddangos i'r awdurdod bod y plentyn yn blentyn mewn angen o ganlyniad i anghenion yr aelod o'r teulu.
- (3) Rhaid i awdurdod lleol gymryd cyfrif o ganlyniadau ei ystyriaeth o dan is-adran (2) wrth benderfynu –
 - (a) p'un ai asesu anghenion y plentyn at ddibenion adran 17 o Ddeddf Plant 1989 (p.41) (darparu gwasanaethau i blant mewn angen) ai peidio, a
 - (b) pa wasanaethau, os o gwbl, i'w darparu o dan yr adran honno i'r plentyn neu i deulu'r plentyn.
- (4) Rhaid i awdurdod lleol gymryd cyfrif o ganlyniadau ei ystyriaeth o dan is-adran (2) wrth wneud unrhyw benderfyniad ynglŷn â'r aelod o'r teulu o dan adran 47 (1)(b) o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990 (p.19) (asesiad o anghenion ar gyfer gwasanaethau gofal cymunedol).
- (5) Yn yr adran hon ac yn adran [] –

mae i “gwasanaethau gofal cymunedol” yr ystyr sydd i “*community care services*” yn adran 46 o Ddeddf y Gwasanaeth Iechyd Gwladol a Gofal Cymunedol 1990;

ystyr “plentyn mewn angen” (“*child in need*”) yw plentyn y bernir ei fod mewn angen at ddibenion Rhan 3 o Ddeddf Plant 1989;

mae “teulu” (“*family*”), mewn perthynas â phlentyn, yn cynnwys unrhyw berson sydd â chyfrifoldeb rhiant (o fewn ystyr adran 3 o Ddeddf Plant 1989) dros y plentyn ac unrhyw berson arall y mae'r plentyn wedi bod yn byw gydag ef.’.

Brian Gibbons

35

To insert a new Section—

(1) Children’s needs arising from the health conditions of family members

- (1) This section applies to the provision of specified health services to a member of a child’s family where the services are provided by, or secured by, a specified National Health Service body.
- (2) A specified National Health Service body must make such arrangements as it thinks fit—
 - (a) for consideration to be given to the effect of any health condition of the family member on the needs of the child and whether that effect may call for the provision of services by a local authority in the exercise of its social services functions;
 - (b) for referral of appropriate cases to the relevant local authority, subject to any duty owed by the National Health Service body to the child or the family member in respect of the disclosure of information relating to the child or the family member.

(3) In this section—

“health” (*“iechyd”*) means physical or mental health;

“National Health Service body” (*“corff Gwasanaeth Iechyd Gwladol”*) means any one of the following—

- (a) a Local Health Board;
- (b) a National Health Service trust;

“specified” (*“penodedig”*) means specified by order of the Welsh Ministers.’.

I ychwanegu Adran newydd—

(1) Anghenion plant sy'n deillio o gyflyrau iechyd aelodau o'r teulu

- (1) Mae'r adran hon yn gymwys ar gyfer darparu gwasanaethau iechyd penodedig i aelod o deulu plentyn os darperir y gwasanaethau neu os sicrhewr hwy gan gorff Gwasanaeth Iechyd Gwladol penodedig.
- (2) Rhaid i gorff Gwasanaeth Iechyd Gwladol penodedig wneud y trefniadau hynny y mae'n barnu sy'n gweddu—
 - (a) er mwyn ystyried effaith unrhyw gyflwr iechyd gan yr aelod o'r teulu ar anghenion y plentyn ac a fyddai'r effaith honno'n galw am ddarparu gwasanaethau gan awdurdod lleol wrth iddo arfer ei swyddogaethau gwasanaethau cymdeithasol;
 - (b) er mwyn atgyfeirio achosion priodol i'r awdurdod lleol perthnasol, yn ddarostyngedig i unrhyw dyletswydd sy'n ddyledus gan y corff Gwasanaeth Iechyd Gwladol i'r plentyn neu i'r aelod o'r teulu ynghylch datgelu gwybodaeth sy'n ymwneud â'r plentyn neu'r aelod o'r teulu.

(3) Yn yr adran hon—

ystyr “corff Gwasanaeth Iechyd Gwladol” (“*National Health Service body*”) yw unrhyw un o'r canlynol—

(a) Bwrdd Iechyd Lleol;

(b) ymddiriedolaeth Gwasanaeth Iechyd Gwladol;

ystyr “iechyd” (“*health*”) yw iechyd corfforol neu iechyd meddwl;

ystyr “penodedig” (“*specified*”) yw corff neu wasanaeth sy'n benodedig drwy orchymyn Gweinidogion Cymru.’.

Brian Gibbons

36

Section 66, page 39, line 10, leave out ‘areas’ and insert ‘classes of case, different areas or different purposes’.

Adran 66, tudalen 39, llinell 10, gadewch allan ‘achosion neu ardaloedd gwahanol’ a rhowch yn ei le ‘gwahanol achosion neu wahanol ddsbarthau o achos neu wahanol ardaloedd neu wahanol ddibenion’.

Brian Gibbons

37

Section 66, page 39, line 11, leave out ‘in relation to specific cases’ and insert ‘subject to specified exemptions or exceptions or only in relation to specific cases or classes of case’.

Adran 66, tudalen 39, llinell 11, gadewch allan ‘mewn perthynas ag achosion penodol’ a rhowch yn ei le ‘yn ddarostyngedig i esemptiadau neu eithriadau penodol neu mewn perthynas ag achosion penodol neu ddsbarthau o achos yn unig’.

Brian Gibbons

38

Section 66, page 39, line 12, after ‘supplementary,’ insert ‘consequential,’.

Adran 66, tudalen 39, llinell 13, ar ôl ‘atodol,’ ychwanegwch ‘darpariaeth ganlyniadol,’.

Brian Gibbons

39

Schedule 1, page 40, after line 8, insert —

‘*Supreme Court Act 1981 (c. 54)*

() Amend the Supreme Court Act 1981 as follows.

() In Schedule 1 (distribution of business in High Court) after paragraph 3(ea) insert —

“(eb) proceedings under section [] of the Children and Families (Wales) Measure 2010;”.’.

Atodlen 1, tudalen 40, ar ôl llinell 8, ychwanegwch –

'Deddf y Goruchaf Lys 1981 (p. 54)

() Diwygiwch Ddeddf y Goruchaf Lys 1981 fel a ganlyn.

() Yn Atodlen 1 (dosbarthiad busnes yn yr Uchel Lys) ar ôl paragraff 3(ea) ychwanegwch—

“(eb) proceedings under section [] of the Children and Families (Wales) Measure 2010;”.